

Tab 9: Correspondence with Clerk of the Court (27 pages)

Basic Life Resources/Pamela Z. Hill

Post Office Box 685
Coupeville, WA 98239
360-466-8977/360-678-2095
Cribstone@aol.com
Pamela@WhidbeyViewHomes.com

February 21, 2013

COPY OF SENT 2/21/13
FOR ADDRESSEE'S EYES ONLY

Pedro Garcia, Clerk of the Court
United States Bankruptcy Court of the Southern District of New York
One Bowling Green, Room 534
New York, New York 10004

Re: In re: RESIDENTIAL CAPITAL, LLC, *et al.*
Case No. 12-12020, Chapter 11;
Filing of Document #2590

Dear Mr. Garcia:

There seems to be something not right or correct going on with the referenced regarding Document #2590. Further it would seem that neither you nor your designated clerk, Gemma Philbert, are willing or able to provide answers to what has happened or to meaningfully respond to my emails to either and both of you.

This is completely contrary to all of my prior experiences with the Clerk or his or her Offices in the Federal courts of the United States. Likewise it is contrary to your sworn duty.

I must therefore assume that not only has something gone wrong with the filing of this document, but also with your receipt of my emails to both you and perhaps Ms. Philbert as, despite my Microsoft Outlook verification that they have been delivered and received, I cannot confirm that the person(s) opening them is actually you or her.

So, included with this letter, addressed as best I can to insure that you personally receive them, are copies of each and every email you and I have exchanged or I have sent without reply. Likewise are copies of those addressed to your Ms. Philbert, and including hers mistakenly sent to Ms. Hill, but addressed to me. As you can see, you have been copied on all I have sent to her.

Now that I can be as certain as possible that you have received all of these (29 pages), leaving only your phone message and our very brief telephone conversation undocumented, may I please have your response?

Email to Cribstone@aol.com will do followed by a letter to me at the above address. If you feel that you have been compromised the extent of Cribstone, then feel free to use Meteor1938@aol.com which will also reach me as well as the other I more commonly use. I will have the USPS confirmation of delivery tomorrow, but also I request your written confirmation by email that you have personally received this letter and its contents.

Thank you very much.

Sincerely,

[Signature]
Michael M. Moore, Managing Director
for Basic Life Resources, *pro se*

Copy received, read and approved: *[Signature]* Pamela Z. Hill

Subj: **Fwd: Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 2/20/2013 8:18:10 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov, gemma_philbert@nysb.uscourts.gov
CC: pamela@whidbeyviewhomes.com

Dear Mr. Garcia and Ms. Philbert:

Your response today please.

Thank you,

Michael M. Moore for BLR

From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
CC: gemma_philbert@nysb.uscourts.gov, ccu@kccllc.com, pamela@whidbeyviewhomes.com
Sent: 2/19/2013 7:24:36 A.M. Pacific Standard Time
Subj: Residential Capital, LLC, SDNY Bankruptcy #12-12020

Good morning Mr. Garcia:

I have just recently received the return my requested copy of our (BLR and Hill) letter to you of February 6, 2013; your clerk's stamp indicating it was received February 7, 2013. I also note from this filing, by copy of your #2864, received at my email request from Clarissa Cu of KCC, that this stamp was also applied to the filed document and included in that filing was a copy of the so stamped letter.

I see no evidence of a like process in the so far unexplained, delayed, but eventual filing of #2590 which has been the subject of our conversation, your email to me and so far lack of any substantive or correctly addressed email response from either you or your Ms. Philbert since.

Once again we hope to hear from you by return email now after the long delay in you or Ms. Philbert responding in any way other than by her misdirected email to Ms. Hill regarding a Court declared otherwise federal non- holiday.

Please add to your response why the letter which contained #2590 was not filed, and as far as I can tell now never stamped or filed, contrary to what has just been done with the last one.

Your failure to respond so far has a direct bearing and effect on the now pending Notice of Intent to Appeal and may if continued, jeopardize it's application for lack of timeliness -- all through no fault of us, BLR and Hill.

I hope I will have your email responses to the pending and new questions at your earliest.

Sincerely,

Michael M. Moore for BLR

Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 2/19/2013 7:24:36 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
CC: jemma_philbert@nysb.uscourts.gov, ccu@kcclic.com, pamela@whidbeyviewhomes.com

Good morning Mr. Garcia:

I have just recently received the return my requested copy of our (BLR and Hill) letter to you of February 6, 2013; your clerk's stamp indicating it was received February 7, 2013. I also note from this filing, by copy of your #2864, received at my email request from Clarissa Cu of KCC, that this stamp was also applied to the filed document and included in that filing was a copy of the so stamped letter.

I see no evidence of a like process in the so far unexplained, delayed, but eventual filing of #2590 which has been the subject of our conversation, your email to me and so far lack of any substantive or correctly addressed email response from either you or your Ms. Philbert since.

Once again we hope to hear from you by return email now after the long delay in you or Ms. Philbert responding in any way other than by her misdirected email to Ms. Hill regarding a Court declared otherwise federal non- holiday.

Please add to your response why the letter which contained #2590 was not filed, and as far as I can tell now never stamped or filed, contrary to what has just been done with the last one.

Your failure to respond so far has a direct bearing and effect on the now pending Notice of Intent to Appeal and may if continued, jeopardize it's application for lack of timeliness -- all through no fault of us, BLR and Hill.

I hope I will have your email responses to the pending and new questions at your earliest.

Sincerely,

Michael M. Moore for BLR

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Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 2/14/2013 10:25:00 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
CC: gemma_philbert@nysb.uscourts.gov, pamela@whidbeyviewhomes.com

Dear Mr. Garcia:

We are now approaching two weeks since you called me regarding this case. I have heard nothing further after your email designating Ms. Philbert as the person of contact in your Offices; with the exception of Ms. Philbert's email to Pamela Hill which Ms. Hill forwarded to me and to which I replied. Copies have always been provided to you of anything received or sent by me.

May I please have an email report by the close of your work day tomorrow on how you and your Office are doing on the "missing" and then reappearing document delivered for filing on December 24/26, 2012 and noted as filed on January 9, 2013?

Once again, and for your ready reference, it is your file Document #2590.

I sincerely hope I will receive your response by tomorrow afternoon.

Thank you,

Michael M. Moore for BLR

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Wednesday, February 20, 2013 AOL: Cribstone

Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 1/25/2013 10:08:56 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
CC: ccu@kcccllc.com, pamela@whidbevviewhomes.com

Dear Mr. Garcia, Clerk of the U. S. Bankruptcy Court, SD, NY:

Basic Life Resources and Pamela Z. Hill USPS Express mailed a document to your Offices this last Wednesday, January 23, 2013, with a cover letter requesting its filing.

U.S. Postal Service on line tracking this morning (Pacific Standard Time) reports the following:

"Your item was delivered at 11:35 am (Eastern Standard Time) on January 24, 2013 in NEW YORK, NY 10004. The item was signed for by S HIBBERT."

For reasons I do not believe I have ever requested and thus cannot explain, just within the past 2 weeks or so, I have at Cribstone@aol.com commenced receiving notices of apparently all filings made in this matter by your Offices.

Even though it has now been over 24 hours since the letter request and the document have been reportedly received by you, I have as yet to receive an email verification/notice to that effect.

Likewise I have not received notice of its filing from KCC as seems to most often be the case for our matters once it has been done.

What has happened to it? Why have I not received an email notice that it has been timely filed? If not in fact filed, then why has it not been so filed?

If there is a reason why I did not receive an email confirmation, such as your Office has denied, because of our (BLR/Hill) *pro se* appearance and representation ECF filing capabilities, then please provide an independent confirmation of its filing and the assignment of a Doc. #.

I request your earliest response in order that if there has been any error anywhere it can be quickly and promptly corrected.

Sincerely,

Michael M. Moore on behalf of Basic Life Resources

Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 2/12/2013 9:58:30 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro.garcia@nysb.uscourts.gov
CC: gemma.philbert@nysb.uscourts.gov, pamela@whidbeyviewhomes.com

Dear Mr. Garcia:

I have not heard back from you in response to my last email to you. Perhaps you and Ms. Philbert are having a difficult time in trying to discover the cause and reason for the problem we have at hand.

I do have additional documentation concerning our (BLR and Hill) filings with your Office, which may be applicable to this situation, and also things that have occurred and variations we have noted from the first filing made and up to the present time.

I am certainly willing and able to contribute more details and observations if you request by a return email to me.

Hopefully we will soon be able to get to the bottom of this matter and before someone from the Department of Justice Offices should become involved in an independent inquiry and investigation.

Please advise.

Sincerely,

Michael M. Moore for BLR

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Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 2/11/2013 6:58:12 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
CC: gemma_philbert@nysb.uscourts.gov, pamela@whidbeyviewhomas.com

Dear Mr. Garcia:

Your Ms. Philbert, by her ongoing lack of meaningful response to the substantive questions of the disappearing and then resurfacing of the document sent to your Offices for filing appears to be either unable or unwilling to supply the answers which only you can provide.

What will you do now for you and for us here?

Time is of the essence as I am certain you recognize.

Thank you in advance for your advice and assistance.

Sincerely,

Michael M. Moore for BLR

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Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 2/6/2013 11:08:10 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nvsb.uscourts.gov
CC: pamela@whidbeyviewhomes.com

Dear Mr. Garcia:

As I earlier advised, for your advance notice, please note the attached which will be USPS Express mailed to your Offices today.

Sincerely,

Michael M. Moore

From: Pamela@whidbeyviewhomes.com
To: Cribstone@aol.com
Sent: 2/5/2013 1:37:32 P.M. Pacific Standard Time
Subj: FW: Residential Capital Case #12-12020 g

Pamela Z. Hill

Owner/Designated Broker

Whidbey View Homes Real Estate

11 NW Coveland Suite A

PO Box 665

Coupeville, WA 98239

360-678-2095 office

360-320-2411 cell

From: Gemma_Philbert@nysb.uscourts.gov [mailto:Gemma_Philbert@nysb.uscourts.gov]
Sent: Tuesday, February 05, 2013 10:26 AM
To: Pamela Z Hill
Subject: Residential Capital Case #12-12020 g

Mr. Moore,

In reference to your email regarding the closing of the court, the United States District Court, Southern District of New York, issued an Order that the Court would be closed on December 24, 2012.

Your email was not specific as to the document in question. Would you please let me know to which document you are referring? I need the caption of the document and the document number as it appears on the docket sheet. This information will help me to help you with your inquiry.

Thank you,

Gemma Philbert

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Subj: **Fwd: FW: Residential Capital Case #12-12020 g**
Date: 2/5/2013 1:56:24 P.M. Pacific Standard Time
From: Cribstone@aol.com
To: gemma.philbert@nvsb.uscourts.gov
CC: pedro.garcia@nvsb.uscourts.gov, pamela@whidbeyviewhomes.com

Dear Ms. Philbert:

You sent your reply to my emails to you to Pamela Hill, not responding to mine nor even copying me. Ms. Hill has forwarded yours then to her, but addressed by you to me on to me.

I now have your information regarding the Court's decreed closure of December 24, 2012, and your request for more information.

Following now in italics is a direct quote from the entire email sent to you to which you in very small part have replied.

Dear Ms. Philbert:

With regard to the Joint Petition/Motion of Basic Life Resources (BLR) and Pamela Z. Hill (Hill) in the referenced matter, being assigned Docket No. 2590:

Please explain in detail (1) why the U.S. Postal Service noted it could not deliver that Document for filing on December 24, 2012 noting essentially that your office was not open on a day not a Federal Holiday?; (2) why after the document was delivered to your offices on December 26, 2012, with a letter request from BLR and Hill for filing, it was not filed and noted until 4:00 p.m., January 9, 2013?; and for now at least; (3) where was it all of the time and how did it just appear for your offices to finally file it?

More details regarding these inquiries can be found in the Affidavit of Service and Certificates of No Objection dated January 9, 2013; Movant's Response of January 10, 2013, (2611); and the following Co-Petition/Motion for Reconsideration (2709). All having been submitted by U.S. Postal Service Express Mail and verified delivery to your Offices certificates USPS web-site posted which should be on file now.

A Notice of Intent to Appeal will now follow in due course, but with, inter alia, a to be noted reservation of time for BLR and Hill, through this email address, Cribstone@aol.com, to receive satisfactory and complete detailed answers to each and all of the above questions.

I look forward to your earliest response in order that the proper form and content of the Appeal can be prepared, filed and noted and/or claim made to the appropriate Federal Department/Agency or Court.

Sincerely,

Michael M. Moore

So, after you have read the above, I think it should be self-evident from the very first sentence from which you had to read further to address the matter of 12/24/12 that the Docket No. is 2590. The rest of the other items referenced in that email also have Docket Nos. as reference to the extent they have been assigned.

I do not see what more you could want or need, nor do I see how you could have missed what you have just requested -- and from the wrong email addressee.

You have according to my email to you of this morning until the close of your Offices today to meaningfully respond to me to my emails to you.

Sincerely,

Michael M. Moore

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Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 2/5/2013 7:25:31 A.M. Pacific Standard Time
From: Cribstone@cribstone.com
To: pedro.garcia@nysb.uscourts.gov
CC: gemma.philbert@nysb.uscourts.gov, pamela@whidbeyviewhomes.com

Dear Mr. Garcia:

So far there has been no response whatsoever from your Ms. Philbert. My Outlook tracking shows someone there, presumably Ms. Philbert, has, as have you, received and read all of my emails to her.

This it would seem to me to be an inquiry of some rather simple explanation, whether or not error or otherwise. Thus capable of her response by now on behalf of you and your Office.

Judge Glenn, by his rulings did not apparently find it of note to direct your Offices to investigate even though our pleadings specifically requested he do so.

Your suggested course of action now seems to have born no fruit at all.

Since we consider this matter to be of essential importance to perfecting and obtaining the relief we have sought, and with only one what should have been late, last minute exception, not one other party to this action found worth of objection, if I do not receive an adequate full explanation or what did occur with respect to this filing of our submission which should have been received and filed on December 24, 2012; I will go elsewhere, such as the Attorney General of the United States to see if we can get to the bottom of things.

I trust this will not be necessary, but if I do not have the full details and explanation concerning the fact of the late filing entry by the end of today (NYC local time), I will immediately do so.

Thank you for your prompt and considerate attention to this matter today.

Sincerely,

Michael M. Moore for BLR

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now at least; (3) where was it all of the time and how did it just appear for your offices to finally file it?

More details regarding these inquires can be found in the Affidavit of Service and Certificates of No Objection dated January 9, 2013; Movant's Response of January 10, 2013, (2611); and the following Co-Petition/Motion for Reconsideration (2709). All having been submitted by U.S. Postal Service Express Mail and verified delivery to your Offices certificates USPS web-site posted which should be on file now.

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Michael M. Moore

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I do not see what more you could want or need, nor do I see how you could have missed what you have just requested -- and from the wrong email addressee.

You have according to my email to you of this morning until the close of your Offices today to meaningfully respond to me to my emails to you.

Sincerely,

Michael M. Moore

From: Pamela@whidbeyviewhomes.com
To: Cribstone@aol.com
Sent: 2/5/2013 1:37:32 P.M. Pacific Standard Time
Subj: FW: Residential Capital Case #12-12020 g

Pamela Z. Hill

Owner/Designated Broker

Whidbey View Homes Real Estate

11 NW Coveland Suite A

77

Wednesday, February 20, 2013 AOL: Cribstone

Subj: **Fwd: FW: Residential Capital Case #12-12020 g**
Date: 2/8/2013 7:30:56 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: gemma_philbert@nysb.uscourts.gov
CC: pedro_garcia@nysb.uscourts.gov, pamela@whidbeyviewhomes.com

Dear Ms. Philbert:

I have yet to receive a responsive reply from you other than your indication of a 12/24/12 Court sanctioned holiday of which I can find no Federal authorization for it to be done, contrary to Federal established dates.

Please provide a copy of the Court's Order to that effect.

Also please advise by return email today (weather permitting your Offices to be open, or at the next available day work can be permitted by the present reported massive winter storm there) why you are taking so long to report to us on the matter of the disappearance and 16 day later spontaneous re-surfacing of Document # 2590.

I await your reply to this email, Cribstone@aol.com. You may of course send a copy to Pamela Hill at her address you have already mistakenly used, but in any event she always receives copies from me (BLR) of all correspondence in this matter.

Thank you in advance for your prompt attention and answer(s).

Sincerely,

Michael M. Moore

From: Cribstone@aol.com
To: gemma_philbert@nysb.uscourts.gov
CC: pedro_garcia@nysb.uscourts.gov, pamela@whidbeyviewhomes.com
Sent: 2/5/2013 1:56:24 P.M. Pacific Standard Time
Subject: Fwd: FW: Residential Capital Case #12-12020 g

Dear Ms. Philbert:

You sent your reply to my emails to you to Pamela Hill, not responding to mine nor even copying me. Ms. Hill has forwarded yours then to her, but addressed by you to me on to me.

I now have your information regarding the Court's decreed closure of December 24, 2012, and your request for more information.

Following now in italics is a direct quote from the entire email sent to you to which you in very small part have replied.

Dear Ms. Philbert:

With regard to the Joint Petition/Motion of Basic Life Resources (BLR) and Pamela Z. Hill (Hill) in the referenced matter, being assigned Docket No. 2590:

Please explain in detail (1) why the U.S. Postal Service noted it could not deliver that Document for filing on December 24, 2012 noting essentially that your office was not open on a day not a Federal Holiday?; (2) why after the document was delivered to your offices on December 26, 2012, with a letter request from BLR and Hill for filing, it was not filed and noted until 4:00 p.m., January 9, 2013?; and for

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Subj: **Fwd: Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 2/4/2013 9:10:01 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: gemma_philbert@nysb.uscourts.gov
CC: pedro_garcia@nysb.uscourts.gov, pamela@whidbeyviewhomes.com

Dear Ms. Philbert:

It has now been over a week that has past since I first tried to reach Mr. Garcia with respect to (1) answering his telephone call to me of January 25, 2013, and (2) then with his answer last week to try to communicate with him regarding the apparent discrepancies or errors in his Clerk's Offices regarding the Joint Petition of BLR/Hill delivered initially for filing on December 24, 2012.

Your failure to so far timely respond on behalf of the Clerk seems to be an undue and inexplicable delay.

If you are having any difficulty regarding the facts concerning this matter which I believe are clearly already set forth in the pleadings I have already described to you in detail, please advise me by return email today so I can send you whatever you might need.

Once again, please respond with a request, a time I can expect your answer or the details themselves; preferably the last – at the very earliest, such as today.

Thank you.

Sincerely,

Michael M. Moore for BLR

From: Cribstone@aol.com
To: gemma_philbert@nysb.uscourts.gov
CC: pedro_garcia@nysb.uscourts.gov, pamela@whidbeyviewhomes.com
Sent: 2/1/2013 8:27:24 A.M. Pacific Standard Time
Subj: Residential Capital, LLC, SDNY Bankruptcy #12-12020

Dear Ms. Philbert:

I had hoped to hear from you by now.

When may I expect your email reply? The earliest please.

I need to know so I can prepare as we need to proceed in this matter with all due diligence here.

Sincerely,

Michael M. Moore for BLR

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Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 2/1/2013 8:27:24 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: germa.philbert@nysb.uscourts.gov
CC: pedro.garcia@nysb.uscourts.gov, pamela@whidbeyviewhomes.com

Dear Ms. Philbert:

I had hoped to hear from you by now.

When may I expect your email reply? The earliest please.

I need to know so I can prepare as we need to proceed in this matter with all due diligence here.

Sincerely,

Michael M. Moore for BLR

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Subj: **Email notices**
Date: 2/1/2013 8:08:32 P.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nvso.uscourts.gov
CC: pamela@whidbeyviewhomes.com

Dear Mr. Garcia:

As noted earlier, for some unexplained reason starting after January 9, 2013, I began receiving email notices of what must have been every ResCap filing, greatly overloading my in box with things of which I could most likely have little interest.

Then after receipt of your email to me of a week ago and the phone message you left that day, all emails noticing all filings by your offices came to a stop. Also without my request or for any reason that I was made aware. However, as long as they have no relationship at all to our matters with this Bankruptcy proceeding, it was a great relief here.

Now after our phone conversation yesterday when you offered to have the email notices to me stop, they have started again. Some 40 came in today alone. Perhaps you pushed the wrong button.

Sincerely,

Michael M. Moore for BLR

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Dear Mr. Garcia:

I have had a telephone for 360-331-4233 close by, within my reach and hearing at all times, all day today as I had described I would in my previous email to you. There was no call from you today. I am leaving now and thus no longer available by this # for the rest of today.

I will be able to do likewise and be available all day again tomorrow and then not at all this coming Friday.

Can I expect to hear from you by phone then? I am very curious and would like to know what prompted and was (is) the content of your last Friday call to me.

Perhaps it is more convenient simply to communicate with me by email. So far, as we do not seem to be doing all that well, your email to me may be the best answer. I leave it to you.

Please advise/call one way or the other.

Sincerely,

Michael M. Moore

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Subj: **Fwd: Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 1/31/2013 1:04:51 P.M. Pacific Standard Time
From: Cribstone@aol.com
To: gemma_philbert@nysb.uscourts.gov
CC: pedro_garcia@nysb.uscourts.gov, pamela@whidbeyviewhomes.com

Dear Ms. Philbert:

With regard to the Joint Petition/Motion of Basic Life Resources (BLR) and Pamela Z. Hill (Hill) in the referenced matter, being assigned Docket No. 2590:

Please explain in detail (1) why the U.S. Postal Service noted it could not deliver that Document for filing on December 24, 2012 noting essentially that your office was not open on a day not a Federal Holiday?; (2) why after the document was delivered to your offices on December 26, 2012, with a letter request from BLR and Hill for filing, it was not filed and noted until 4:00 p.m., January 9, 2013?; and for now at least; (3) where was it all of the time and how did it just appear for your offices to finally file it?

More details regarding these inquiries can be found in the Affidavit of Service and Certificates of No Objection dated January 9, 2013; Movant's Response of January 10, 2013, (2611); and the following Co-Petition/Motion for Reconsideration (2709). All having been submitted by U.S. Postal Service Express Mail and verified delivery to your Offices certificates USPS web-site posted which should be on file now.

A Notice of Intent to Appeal will now follow in due course, but with, *inter alia*, a to be noted reservation of time for BLR and Hill, through this email address, Cribstone@aol.com, to receive satisfactory and complete detailed answers to each and all of the above questions.

I look forward to your earliest response in order that the proper form and content of the Appeal can be prepared, filed and noted and/or claim made to the appropriate Federal Department/Agency or Court.

Sincerely,

Michael M. Moore

From: Pedro_Garcia@nysb.uscourts.gov
To: Cribstone@aol.com
CC: Gemma_Philbert@nysb.uscourts.gov
Sent: 1/31/2013 8:49:39 A.M. Pacific Standard Time
Subject: Re: Residential Capital, LLC, SDNY Bankruptcy #12-12020

Good Morning Mr. Moore,

Here is the information for the Supervisor of Case Administration.

Her name is Gemma Philbert and her email address is
Gemma_Philbert@nysb.uscourts.gov, Hope this information is helpful.

Thank You

From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
Cc: pamela@whidbeyviewhomes.com
Date: 01/30/2013 05:28 PM
Subject: Residential Capital, LLC, SDNY Bankruptcy #12-12020

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call to me.

Perhaps it is more convenient simply to communicate with me by email. So far, as we do not seem to be doing all that well, your email to me may be the best answer. I leave it to you.

Please advise/call one way or the other.

Sincerely,

Michael M. Moore

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Subj: **Re: Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 1/31/2013 9:14:20 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: Pedro_Garcia@nysb.uscourts.gov
CC: pamela@whidbeyviewhomes.com, Gemma_Philbert@nysb.uscourts.gov

Dear Mr. Garcia:

Thank you for your call. I will email her with my questions later today and proceed as I described to you in our just completed phone conversation.

I am sorry to hear your Offices and I assume all of the Court was closed yesterday because of a power outage. It must make for a hectic recovery day afterward. I appreciate your taking time to call in its midst.

We experience them I am sure much more frequently being on an Island much less developed than New York City or your Long Island nearby; even though in size I am told we are almost as large as it is. "Second largest (longest?) in Continental U.S."? We also obviously need another A T & T cell tower for bad weather reception such as frequently experienced in Washington state's winter weather, but being relatively so few, that is unlikely. Hence the limited land line we keep for local calls and emergency needs.

I will keep the correspondence with Ms. Philbert to email only and copy you at all times. And her likewise at present to insure I have her email address correctly logged in my computer and AOL file.

Sincerely,

Michael M. Moore for BLR

In a message dated 1/31/2013 8:49:39 A.M. Pacific Standard Time, Pedro_Garcia@nysb.uscourts.gov writes:

Good Morning Mr. Moore,

Here is the information for the Supervisor of Case Administration.

Her name is Gemma Philbert and her email address is
Gemma_Philbert@nysb.uscourts.gov, Hope this information is helpful.

Thank You

From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
Cc: pamela@whidbeyviewhomes.com
Date: 01/30/2013 05:28 PM
Subject: Residential Capital, LLC, SDNY Bankruptcy #12-12020

Dear Mr. Garcia:

I have had a telephone for 360-331-4233 close by, within my reach and hearing at all times, all day today as I had described I would in my previous email to you. There was no call from you today. I am leaving now and thus no longer available by this # for the rest of today.

I will be able to do likewise and be available all day again tomorrow and then not at all this coming Friday.

Can I expect to hear from you by phone then? I am very curious and would like to know what prompted and was (is) the content of your last Friday

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Subj: **Re: Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 1/31/2013 8:49:39 A.M. Pacific Standard Time
From: Pedro_Garcia@nysb.uscourts.gov
To: Cribstone@aol.com
CC: Gemma_Philbert@nysb.uscourts.gov
Good Morning Mr. Moore,

Here is the information for the Supervisor of Case Administration.

Her name is Gemma Philbert and her email address is
Gemma_Philbert@nysb.uscourts.gov, Hope this information is helpful.

Thank You

From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
Cc: pamela@whidbeyviewhomes.com
Date: 01/30/2013 05:28 PM
Subject: Residential Capital, LLC, SDNY Bankruptcy #12-12020

Dear Mr. Garcia:

I have had a telephone for 360-331-4233 close by, within my reach and hearing at all times, all day today as I had described I would in my previous email to you. There was no call from you today. I am leaving now and thus no longer available by this # for the rest of today.

I will be able to do likewise and be available all day again tomorrow and then not at all this coming Friday.

Can I expect to hear from you by phone then? I am very curious and would like to know what prompted and was (is) the content of your last Friday call to me.

Perhaps it is more convenient simply to communicate with me by email. So far, as we do not seem to be doing all that well, your email to me may be the best answer. I leave it to you.

Please advise/call one way or the other.

Sincerely,

Michael M. Moore

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Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 1/30/2013 2:28:47 P.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
CC: pamela@whidbeyviewhomes.com

Dear Mr. Garcia:

I have had a telephone for 360-331-4233 close by, within my reach and hearing at all times, all day today as I had described I would in my previous email to you. There was no call from you today. I am leaving now and thus no longer available by this # for the rest of today.

I will be able to do likewise and be available all day again tomorrow and then not at all this coming Friday.

Can I expect to hear from you by phone then? I am very curious and would like to know what prompted and was (is) the content of your last Friday call to me.

Perhaps it is more convenient simply to communicate with me by email. So far, as we do not seem to be doing all that well, your email to me may be the best answer. I leave it to you.

Please advise/call one way or the other.

Sincerely,

Michael M. Moore

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Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 1/29/2013 7:34:58 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nvsb.uscourts.gov
CC: pamela@whidbeyviewhomes.com

Dear Mr. Garcia:

There has been a change of schedule here this morning. I will be at 360-331-4233 from now until 9:00 a.m. and then unavailable by either cell or this land line for the rest of the day, that being your NY work hours.

If we cannot connect by phone today, please then call me tomorrow any time after 8:00 a.m. PST. I have no other plans so far and should be here all day at your convenience.

Sincerely,

Michael M. Moore

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Subj: **Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 1/28/2013 8:22:13 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
CC: pamela@whidbeyviewhomes.com

Good morning Mr. Garcia:

I just tried returning your call from the message you left for me last Friday that I missed then. My later responsive email said I would call you at 8:00 a.m. here in Washington state.

I do not have your extension and with the first attempt pressed O as directed and was informed "an operator is not available." After a few minutes, I tried again, but since my phone that I have to use for calls out beyond the south Whidbey Island area is a cell and with the present bad weather often experiences very poor reception, I could not complete the call even to the point of reaching O again.

I will be away most of the day today and although I may occasionally be in better cell reception places, with this weather, experience dictates I (we) cannot count on it.

I will be available and accessible all day tomorrow by land line which does accept long distance incoming calls. In order to have our conversation as you are seeking, then please call me using (360) 331-4233. There then should be no voice communication problem.

I will look forward then to your call tomorrow. Please keep in mind the time difference; however any time after 11:00 your local time will do just fine.

Sincerely,

Michael M. Moore

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Subj: **Fwd: Residential Capital, LLC, SDNY Bankruptcy #12-12020**
Date: 1/25/2013 6:36:11 P.M. Pacific Standard Time
From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
CC: pamela@whidbeyviewhomes.com

Dear Mr. Garcia:

I have been away from my phone today and as I check this afternoon, I see you called and also left a message you would like me to call you.

I apologize for missing your call today due to other circumstances, and will return your call to (212) 668-2870 this coming Monday morning at about 8:00 a.m., Pacific time, being 11:00 a.m. in your Offices.

Sincerely,

Michael M. Moore for BLR

From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
CC: ccu@kccllc.com, pamela@whidbeyviewhomes.com
Sent: 1/25/2013 10:08:56 A.M. Pacific Standard Time
Subj: Residential Capital, LLC, SDNY Bankruptcy #12-12020

Dear Mr. Garcia, Clerk of the U. S. Bankruptcy Court, SD, NY:

Basic Life Resources and Pamela Z. Hill USPS Express mailed a document to your Offices this last Wednesday, January 23, 2013, with a cover letter requesting its filing.

U.S. Postal Service on line tracking this morning (Pacific Standard Time) reports the following:

"Your item was delivered at 11:35 am (Eastern Standard Time) on January 24, 2013 in NEW YORK, NY 10004. The item was signed for by S HIBBERT."

For reasons I do not believe I have ever requested and thus cannot explain, just within the past 2 weeks or so, I have at Cribstone@aol.com commenced receiving notices of apparently all filings made in this matter by your Offices.

Even though it has now been over 24 hours since the letter request and the document have been reportedly received by you, I have as yet to receive an email verification/notice to that effect.

Likewise I have not received notice of its filing from KCC as seems to most often be the case for our matters once it has been done.

What has happened to it? Why have I not received an email notice that it has been timely filed? If not in fact filed, then why has it not been so filed?

If there is a reason why I did not receive an email confirmation, such as your Office has denied, because of our (BLR/Hill) *pro se* appearance and representation ECF filing capabilities, then please provide an independent confirmation of its filing and the assignment of a Doc. #.

I request your earliest response in order that if there has been any error anywhere it can be quickly and promptly corrected.

Sincerely,

Michael M. Moore on behalf of Basic Life Resources

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Subj: Re: Residential Capital, LLC, SDNY Bankruptcy #12-12020
Date: 1/25/2013 11:12:27 A.M. Pacific Standard Time
From: Pedro Garcia@nysb.uscourts.gov
To: Cribstone@aol.com
Good Afternoon Mr. Moore,

I have removed your email address from your account, this will stop the system from sending you email notification when something gets filed in the case. If you need to get copies of the paper you filed it is document number (2709) and the order is document (2714).

Hope this answers all your questions.

Thank You

From: Cribstone@aol.com
To: pedro_garcia@nysb.uscourts.gov
Cc: ccu@kccllc.com, pamela@whidbeyviewhomes.com
Date: 01/25/2013 01:09 PM
Subject: Residential Capital, LLC, SDNY Bankruptcy #12-12020

Dear Mr. Garcia, Clerk of the U. S. Bankruptcy Court, SD, NY:

Basic Life Resources and Pamela Z. Hill USPS Express mailed a document to your Offices this last Wednesday, January 23, 2013, with a cover letter requesting its filing.

U.S. Postal Service on line tracking this morning (Pacific Standard Time) reports the following:

"Your item was delivered at 11:35 am (Eastern Standard Time) on January 24, 2013 in NEW YORK, NY 10004. The item was signed for by S HIBBERT."

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Even though it has now been over 24 hours since the letter request and the document have been reportedly received by you, I have as yet to receive an email verification/notice to that effect.

Likewise I have not received notice of its filing from KCC as seems to most often be the case for our matters once it has been done.

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If there is a reason why I did not receive an email confirmation, such as your Office has denied, because of our (BLR/Hill) pro se appearance and representation ECF filing capabilities, then please provide an independent confirmation of its filing and the assignment of a Doc. #.

I request your earliest response in order that if there has been any error anywhere it can be quickly and promptly corrected.

Sincerely,

Michael M. Moore on behalf of Basic Life Resources

Subj: **Re: ECF Non-Attorney Password**
Date: 11/26/2012 9:44:26 A.M. Pacific Standard Time
From: Cribstone@aol.com
To: Pedro_Garcia@nysb.uscourts.gov

Thank you for your very prompt response.

I also have a Login: mm6406 with a different Password, but so far use it only for ECF in other Fed. jurisdictions. I will now use the one you have provided exclusively for the Bankruptcy proceedings in your Court, Residential Capital, LLC, No. 12-12020.

Sincerely,

Michael M. Moore

In a message dated 11/26/2012 7:16:47 A.M. Pacific Standard Time, Pedro_Garcia@nysb.uscourts.gov writes:

Dear Michael,

Enclosed please find your login and password into the ECF System.

Login: mmoore
Password: j3Fp-Guh

Please type everything as shown, Include the dash in the password.

Thank You

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Tab 10: Order Denying Motion for Reconsideration entered 1/25/13, Doc. #2714

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*

Debtors.

Case No. 12-12020 (MG)

Jointly Administered

**ORDER DENYING MOTION FOR RECONSIDERATION OF BASIC LIFE
RESOURCES AND PAMELA Z. HILL**

Pending before the Court is the *Motion for Reconsideration and Other Relief*, filed by Basic Life Resources and Pamela Z. Hill ("BLR and Hill") ("Motion for Reconsideration," ECF Doc. # 2709). On January 16, 2013, the Court entered an Order denying the *Joint Motion of Basic Life Resources and Pamela Z. Hill for Findings of Fact, Conclusions at Law Judgment and Order* (the "Order Denying Motion," ECF Doc. # 2645).

Rule 9023 of the Federal Rules of Bankruptcy Procedure incorporates Rule 59 of the Federal Rules of Civil Procedure, which regulates motions for amendment of a judgment. Under Rule 9023, "reconsideration is proper 'to correct a clear error of law or prevent manifest injustice.'" *Munaf v. Metro. Transp. Auth.*, 381 F.3d 99, 105 (2d Cir. 2004) (internal citations omitted). "Generally, motions for reconsideration are not granted unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *Key Mechanical Inc. v. BDC 56 LLC (In re BDC 56 LLC)*, 330 F.3d 111, 123 (2d Cir. 2003) (internal quotation marks and citation omitted). A motion for reconsideration may not be used "to enable a party to complete presenting his case after the court has ruled against him." *Frietsch v. Refco, Inc.*, 56 F.3d 825, 828 (7th Cir. 1995). Under Rule 9023, "[a] court may reconsider an earlier decision



when a party can point to 'an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.'" *In re Miller*, 2008 Bankr. LEXIS 3631, at *3, Case No. 07-13481 (MG) (Bankr. S.D.N.Y. Feb. 28, 2008) (citing *Marrero Pichardo v. Ashcroft*, 374 F.3d 46, 55 (2d Cir. 2004)).

BRL and Hill failed to satisfy the standards for reconsideration. They continue to complain about the Court considering the Debtor's opposition to the original Joint Motion, arguing that the opposition to the motion was not timely filed. The Court was satisfied that the opposition was timely filed (and so ruled), but in any event, the Court would retain the discretion to consider the opposition even if it had not been timely filed. The fact of the matter is that BRL and Hill failed to provide any legal authority for the relief they were seeking on the merits of their original motion, and that remains true today.

Therefore, Motion for Reconsideration is **DENIED**.

Dated: January 25, 2013
New York, New York

Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

Tab 11

Tab 11A: Letter of BLR to Morrison & Foerster of May 15, 2013

Tab 11B: Letter of Hill to Morrison & Foerster of May 16, 2013

Tab 11A: Letter of BLR to Morrison & Foerster of May 15, 2013

BASIC LIFE RESOURCES

Post Office Box 665
Coupeville, WA 98239
360-466-8977
Cribstone@aol.com

May 15, 2013

REVISED: THIS LETTER REPLACES BLR (Michael M. Moore) LETTER OF MAY 14, 2013

Morrison & Foerster, LLP
1290 Avenue of the Americas
New York, NY 10104

Attn: Gary S. Lee and Norman S. Rosenbaum

Re: Residential Capital, LLC, SDNY Bankruptcy #12-12020
Claim # 2427, Basic Life Resources

Gentlemen:

Please excuse our errors in yesterday's correspondence, disregard it in its entirety and replace that letter with the following.

In your pleading dated January 9, 2013, (Doc. 2591), in the referenced matter, you, through Norman S. Rosenbaum, stated, "The debtors currently are in the process of reviewing and reconciling the claims that were filed, and the Movants' (BLR and Hill #2429) claims will be included as part of this process. The Movants will be given notice of any action the Debtors intend to take with respect to their claims"

Since that January 9, 2013, Morrison submission, no notice has been received by the undersigned, the Managing Director of Basic Life Resources.

For your further information the BLR claim remains at the basic stated annual \$5.47 million contained and explained in detail in BLR's received Proof of Claim assigned #2427. This annual amount will be due BLR on July 11, 2013, the date of Exhibit D to BLR's submitted Proof of Claim.

Due to circumstances which can be explained and documented, additional lost revenue will necessarily amount to the remainder of one calendar year at \$14,986 per day from July 12, 2013, until December 31, 2013, (\$14,986 x 171 days = \$2,562,606). The total due BLR now then is \$8,032,606, not including allowable accrued reasonable allowable interest.

Please advise by either return email or USPS mail of the current status of this claim of BLR and when we may expect "notice of any action the Debtors intend to take."

Sincerely,

Michael M. Moore, Managing Director
Basic Life Resources

Tab 11B: Letter of Hill to Morrison & Foerster of May 16, 2013

Pamela Z. Hill
Post Office Box 665
Coupeville, WA 98239
360-678-2095
Pamela@WhidbeyViewHomes.com

May 16, 2013

Morrison & Foerster, LLP
1290 Avenue of the Americas
New York, NY 10104

Attn: Gary S. Lee and Norman S. Rosenbaum

Re: Residential Capital, LLC, SDNY Bankruptcy #12-12020
Claim # 2429, Pamela Z. Hill

Gentlemen:

In your pleading dated January 9, 2013, (Doc. 2591), in the referenced matter, you, through Norman S. Rosenbaum, stated, "The debtors currently are in the process of reviewing and reconciling the claims that were filed, and the Movants' (BLR #2427 and Hill #2429) claims will be included as part of this process. The Movants will be given notice of any action the Debtors intend to take with respect to their claims"

Since that January 9, 2013, Morrison submission, no notice has been received by the undersigned.

For your further information my claim remains essentially at the stated \$389,331, but as adjusted below.

This obligation to me was contained and explained in detail in my received Proof of Claim assigned #2429.

The current cost of interest per Ocwen's statement of April 8, 2013, is \$1,649.73 per month. (Not taking into account the adjustment for a declining balance.) The monthly part applicable to reduction of principal is \$609.90. The net applicable interest cost then is \$1,039.83.

Using that net figure, the total additional cost to me has been (\$1,039.83 x 6 months) \$6,238.98. Please adjust my claim, adding this and the like monthly net amount until my claim is paid.

Please advise by either return email or USPS mail of the current status of this claim. When may I expect "notice of any action the Debtors intend to take"?

Sincerely,

Pamela Z. Hill
Ocwen Acct. #0602246812

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